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DRAFT HEARING PROCEDURE

PROPOSED WATERSHED WIDE WASTE DISCHARGE REQUIREMENTS FOR TIMBER HARVEST PLAN ACTIVITIES CONDUCTED BY SCOTIA PACIFIC COMPANY, SALMON CREEK CORPORATION, AND THE PACIFIC LUMBER COMPANY IN THE ELK RIVER AND FRESHWATER CREEK WATERSHEDS (RESOLUTION NO. R1-2005-0064, ORDER NO. R1-2005-0065; RESOLUTION NO. R1- 2005-0066, ORDER NO. R1-2005-0067)

WRITTEN SUBMITTALS

The deadline for all parties and interested persons to submit written material (evidence, testimony, comments) was originally August 1, 2005. A Supplemental Notice of Public Hearing dated July 27, 2005, extended that deadline to 5:00 p.m. on August 8, 2005. As the Supplemental Notice provides, written submittals received after that date will not be accepted or included in the record, except at the Chair's discretion based on a showing of severe hardship.

Should the WWDRs be revised by the WWDR Issuance Team, the Regional Water Board may allow additional written submittals that address those changes. If additional written materials are to be allowed, the Regional Water Board will notify all parties and interested persons.

HEARING PARTICIPATION

Participants at the hearings (excluding the Board members and WWDR Advisory Team), are either "parties" or "interested persons." The following describes the procedures governing the participation by these two groups.

1. Designated Parties

Parties to the hearing may present evidentiary testimony, and are subject to cross-examination. Parties may also cross-examine other parties' witnesses. Because of the complexity of their participation, parties receive more time to address the Regional Water Board and cross-examine witnesses.

The following participants are preliminarily designated as parties for these hearings:

1. Scotia Pacific Company, Salmon Creek Corporation, and The Pacific Lumber Company (collectively PALCO)
2. Humboldt Watershed Council (HWC)
3. North Coast Regional Water Quality Control Board WWDR Issuance Team (Issuance Team)

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Interested persons who desire to participate as parties may submit a written request to be designated as a party, as explained below.

2. Interested Persons

Interested persons may participate in the hearings with certain limitations. Interested persons may present non-evidentiary policy statements which will be heard first, prior to the presentation of evidence by the parties. Interested persons are not subject to cross-examination and may not cross-examine other parties. Interested persons will receive **3 minutes** to make their policy statements.

Interested persons may request designated party status for purposes of this hearing by submitting a request in writing. The written request must be submitted to Catherine Kuhlman, Executive Officer, at the above address and must be received no later than **August 22 2005**. The request must explain the basis for party status, the evidence that will be presented, and the reason why the existing parties do not adequately represent the person's interests. Rulings on such requests are within the sole discretion of the Regional Board Chair in consultation with the Executive Officer.

ORDER OF PROCEEDINGS - 9/14 HEARING

The following order of proceedings governs the September 14, 2005 evidentiary hearing. The purpose of this hearing is for the Regional Water Board to hear policy statements from interested persons, hear the parties summarize their previously submitted written evidence, and to allow the parties to cross-examine other parties' witnesses. At the conclusion of the hearing, the Regional Water Board may give direction to the Issuance Team to make revisions to the WWDRs.

1. Open Hearing (Chair reads procedure)
2. Policy Statements by Interested Persons (time limit - 2 hours)
3. Issuance Team Opening
4. PALCO Cross-Examination
5. HWC Cross-Examination
6. PALCO Opening
7. Issuance Team Cross-Examination
8. HWC Cross-Examination
9. PALCO Rebuttal/Closing
10. HWC Rebuttal/Closing
11. Issuance Team Rebuttal/Closing
12. Close of Public Hearing, Board Member/WWDR Advisory Team Questions, Deliberations and Direction to Issuance Team

Each party is limited to a total of **60 minutes** for its opening statement, cross-examination, and rebuttal/closing, but may allocate the time among those items as it desires. Board members and members of the WWDR Advisory Team may ask questions at any time. Time spent by a party answering these questions will not count against the party's total allocation.



ORDER OF PROCEEDINGS - 9/27 HEARING

The following order of proceedings governs the September 27, 2005 hearing. The purpose of this hearing will be to consider revisions to the WWDRs proposed by the WWDR Issuance Team made in response to direction given by the Board at the September 14, 2005 hearing and to consider adoption of the WWDRs. Testimony and comments will be received orally, but must be germane to the proposed revisions to the WWDRs. No written materials will be accepted.

1. Open Hearing (Chair reads procedure)
2. Policy Statements by Interested Persons (time limit - 1 hour)
3. Issuance Team Introduces Revisions
4. PALCO Presentation on Revisions
5. HWC Presentation on Revisions
6. PALCO Rebuttal/Closing
7. HWC Rebuttal/Closing
8. Issuance Team Rebuttal/Closing
9. Close of Public Hearing, Board Member/WWDR Advisory Team Questions, Deliberations and Decision-making

